UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

Examination Time Analysis

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EXAMINATION TIME ANALYSIS: WHY?

We will establish the optimal pendency and quality levels for both patents and trademarks that will enable us to operate efficiently and effectively in a steady-state maintenance mode, while considering the expectations of the IP community. –USPTO Strategic Plan 2014-2018



EXAMINATION TIME ANALYSIS: Why now?

- Properly calibrated examination time is critical for establishing optimal pendency and quality levels
- Patent prosecution has substantially changed since goals were established. For example:
 - New technologies and increased technological complexity
 - Exponential growth of available prior art
 - Transition to the Cooperative Patent Classification (CPC)
 - Increased use of Electronic tools
 - Changes in policy and legal interpretations



EXAMINATION TIME ANALYSIS: Why now?

- There has not been a comprehensive reevaluation of examination time since the current examination time expectancies were established in the 1970s.
- Recent reports by oversight bodies such as the General Accounting Office and Office of the Inspector General have recommended that the USPTO reevaluate examination time.

uspto



Technology/Data

- Organizing like technologies together based on CPC
- Determine examining hours based on technology data and application characteristics

Stakeholder Outreach

- Obtain and analyze input from external stakeholders
- Obtain and analyze input from internal stakeholders

Quality and Clarity Actions

 Determine expectations based on outreach data and internal quality programs/data

<u>Implementation</u>

External Outreach Efforts

- Federal Register Notice published October 25th to solicit feedback and announce roundtables.
- During the roundtables we plan on a short education piece to inform applicants on our production system and gather stakeholder input.

Upcoming Roundtables

- November 14 in Alexandria
- November 29 in Dallas
- December 15 in Denver
- January 11 in San Jose
- Date for Detroit will be announced soon.



External Outreach Efforts

 Additionally, the Office plans engagement with a number of academic partnerships for input in collaboration with the USPTO's Office of Chief Economist.



Internal Outreach efforts

- Conducted 17 focus sessions with examiners
- Crafting a survey using information from the focus sessions to be administered to all examiners and SPEs in the next few months



Quality and Clarity Team

 Formed a team to leverage our Quality data, EPQI initiatives, external and internal feedback to create recommendations of changes to the examination process that would effect time.



Technology/Data Team

- Formed a team to analyze and mine technology specific variables and data to help determine examination time for specific technologies.
- Utilizing historical data pertaining to all technology areas to help inform the expected hours associated with all art areas.



Important Links

- The FRN notice:
- https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-25758.pdf
- The ETA Website: https://www.uspto.gov/patent/initiatives/eta-external-outreach



Questions and Comments

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